

### **610.200 Duties of peace officer.**

- (1) When a peace officer has taken or received a child into custody on a charge of committing an offense, the officer shall immediately inform the child of his constitutional rights and afford him the protections required thereunder, notify the parent, or if the child is committed, the Department of Juvenile Justice or the cabinet, as appropriate, and if the parent is not available, then a relative, guardian, or person exercising custodial control or supervision of the child, that the child has been taken into custody, give an account of specific charges against the child, including the specific statute alleged to have been violated, and the reasons for taking the child into custody.
- (2)
  - (a) When a peace officer has taken or received a child into protective custody on suspicion of being a runaway, the officer shall immediately notify:
    1. The child's parent, guardian, or person exercising custodial control or supervision of the child, if determined;
    2. The cabinet or Department of Juvenile Justice, if appropriate; and
    3. The court-designated worker.
  - (b) If the parent, guardian, or other person exercising custodial control or supervision is identified and notified, the peace officer may retain custody of the child for a reasonable period to allow the person notified the opportunity to arrive at the officer's location and collect the child.
  - (c) If the parent, guardian, or other person exercising custodial control or supervision cannot be identified or located, the peace officer may retain custody of the child for a period of time not to exceed two (2) hours to continue his or her investigation.
  - (d) If, at the conclusion of the peace officer's investigation, the parent, guardian, or person exercising custodial control or supervision of the child is identified and notified, the peace officer shall return the child to the custody of that person and shall file a status offense case with the court-designated worker.
  - (e) If, at the conclusion of the peace officer's investigation, the parent, guardian, or person exercising custodial control or supervision of the child cannot be identified or located, or that person refuses to collect the child, the peace officer shall file a complaint pursuant to KRS 610.012.
- (3) Unless the child is subject to trial as an adult or unless the nature of the offense or other circumstances are such as to indicate the necessity of retaining the child in custody, the officer shall release the child to the custody of his parent or if the child is committed, the Department of Juvenile Justice or the cabinet, as appropriate; or if the parent is not available, then a relative, guardian, or person exercising custodial control or supervision or other responsible person or agency approved by the court upon the written promise, signed by such person or agency, to bring the child to the court at a stated time or at such time as the court may order. The written promise, accompanied by a written report by the officer, shall be submitted forthwith to the court or court-designated worker and shall detail the reasons for having taken custody of the child, the release of the child, the person to whom the child was

released, and the reasons for the release.

- (4) (a) If the person fails to produce the child as agreed or upon notice from the Court as provided in subsection (3) of this section, a summons, warrant, or custody order may be issued for the apprehension of the person or of the child, or both.
- (b) If the person notified to collect a suspected runaway pursuant to subsection (2)(a) of this section fails or refuses to collect the child, the peace officer shall notify the county attorney, who may file a charge of endangering the welfare of a minor, and the cabinet.
- (5) The release of a child pursuant to this section shall not preclude a peace officer from proceeding with a complaint against a child or any other person.
- (6) Unless the child is subject to trial as an adult, if the child is not released, the peace officer shall contact the court-designated worker who may:
  - (a) Release the child to his parents;
  - (b) Release the child to such other persons or organizations as are authorized by law;
  - (c) Release the child to either of the above subject to stated conditions; or
  - (d) Except as provided in subsection (7) of this section, authorize the peace officer to retain custody of the child for an additional period not to exceed twelve (12) hours during which the peace officer may transport the child to a secure juvenile detention facility or a nonsecure facility. If the child is retained in custody, the court-designated worker shall give notice to the child's parents or person exercising custodial control or supervision of the fact that the child is being retained in custody.
- (7) (a) Except as provided in paragraph (b) of this subsection, no child ten (10) years of age or under shall be taken to or placed in a juvenile detention facility.
- (b) Any child ten (10) years of age or under who has been charged with the commission of a capital offense or with an offense designated as a Class A or Class B felony may be taken to or placed in a secure juvenile detention facility or youth alternative center when there is no available less restrictive alternative.

**Effective:** July 1, 2015

**History:** Amended 2014 Ky. Acts ch. 132, sec. 41, effective July 1, 2015. -- Amended 2002 Ky. Acts ch. 263, sec. 4, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 443, sec. 18, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 358, sec. 30, effective July 15, 1997. -- Amended 1988 Ky. Acts ch. 350, sec. 28, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 39, effective July 1, 1987.